

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Coleson Smith	Team: Squad #01	CCRB Case #: 202200276	<input type="checkbox"/> Force <input checked="" type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Incident Date(s) Thursday, 01/13/2022 7:15 PM	Location of Incident: Over the phone and at the 33rd Precinct stationhouse	18 Mo. SOL 7/13/2023	Precinct: 33
Date/Time CV Reported Thu, 01/13/2022 7:54 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 01/13/2022 7:54 PM

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Ludim Benjamin	25272	946446	033 PCT
2. PO Anthony Hamosfakidis	22306	964044	033 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Mainul Haque	04579	950558	033 PCT

Officer(s)	Allegation	Investigator Recommendation
A . PO Ludim Benjamin	Discourtesy: Police Officer Ludim Benjamin acted discourteously toward § 87(2)(b)	
B . PO Anthony Hamosfakidis	Abuse: At the 33rd Precinct stationhouse, Police Officer Anthony Hamosfakidis refused to provide his shield number to § 87(2)(b)	

Case Summary

On January 13, 2022, § 87(2)(b) filed this complaint with the CCRB via its online complaint form on behalf of himself. Investigator Coleson Smith received the case on January 14, 2022.

On January 13, 2022, at approximately 7:15 P.M., Police Officer Ludim Benjamin hung up a phone on § 87(2)(b) at the 33rd Precinct stationhouse, in Manhattan (**Allegation A: Discourtesy:** § 87(2)(g)). When § 87(2)(b) came into the stationhouse to discuss the hang up, he spoke with Police Officer Anthony, Hamosfakidis, who refused to provide his shield number to § 87(2)(b) (**Allegation B: Abuse of Authority:** § 87(2)(g)).

Footage from the 33rd Precinct stationhouse was obtained for this incident (**01-03 Board Review**).

No arrests or summonses resulted from the incident.

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Ludim Benjamin acted discourteously toward

§ 87(2)(b)

Allegation (B) Abuse of Authority: At the 33rd Precinct stationhouse, Police Officer Anthony Hamosfakidis refused to provide his shield number to

§ 87(2)(b)

§ 87(2)(b) (**04 Board Review**) stated that he called 311 twice and reported that a black BMW 5 Series vehicle, which belonged to an NYPD officer, identified via investigation as PO Hamosfakidis (**09 Board Review**), was illegally parked on the sidewalk near the 33rd Precinct stationhouse. § 87(2)(b)'s complaint was subsequently closed without any action on the improperly parked vehicle. § 87(2)(b) called the 33rd Precinct stationhouse, and spoke to PO Benjamin, who hung up the phone after § 87(2)(b) questioned why his 311 complaints had been closed without any action on the illegally parked vehicle. § 87(2)(b) called the stationhouse two more times, but no one answered. § 87(2)(b) then walked to the 33rd Precinct stationhouse (**03 Board Review**) and requested to speak with the officer who hung up on him. PO Benjamin approached the stationhouse waiting area, and informed § 87(2)(b) that the 311 complaints were closed because officers had informed PO Hamosfakidis about his vehicle on the sidewalk. § 87(2)(b) recognized PO Benjamin's voice, and asked why PO Benjamin hung up the phone on § 87(2)(b). PO Benjamin replied, "I didn't like the way you were talking." PO Benjamin then called PO Hamosfakidis over to the waiting area, and he spoke with § 87(2)(b). PO Hamosfakidis dismissed § 87(2)(b)'s concern about the location of PO Hamosfakidis' vehicle, and refused to provide his shield number to § 87(2)(b) upon request. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

PO Benjamin confirmed that he was the telephone switchboard operator on the incident date and said the 311 complaints about the location of PO Hamosfakidis' vehicle were closed after he spoke with PO Hamosfakidis (**05 Board Review**). PO Benjamin acknowledged interacting with § 87(2)(b) at the stationhouse, but did not recall speaking with § 87(2)(b) or any other civilian over the phone about the location of PO Hamosfakidis' vehicle, nor did he recall hanging up the phone on § 87(2)(b) or any other civilian at any point during his tour. He also did not recall witnessing any interaction between PO Hamosfakidis and § 87(2)(b) at the stationhouse, nor did he recall observing PO Hamosfakidis refuse to provide his shield number to § 87(2)(b).

PO Hamosfakidis acknowledged interacting with § 87(2)(b) at the stationhouse about the 311 call and location of PO Hamosfakidis' vehicle, but he did not recall hearing § 87(2)(b) request his shield number and denied refusing to provide his shield number to § 87(2)(b) at any point during this incident (06 Board Review).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party three CCRB complaints and has been named as a victim in five allegations (**08 Board Review**):

○ § 87(2)(b)

- PO Benjamin has been a member of service for 14 and has been a subject in four CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)

- PO Hamosfakidis has been a member of service for 4 and has been a subject in four CCRB complaints and 17 allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of April 7, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (**10 Board Review**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 1

Investigator:	<u>Coleson Smith</u>	<u>Investigator Coleson Smith</u>	<u>4/7/2022</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Enoch Sowah</u>	<u></u>	<u>4/7/2022</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date